

**REMARKS**

The Examiner is thanked for the careful examination of the application. However, in view of the foregoing amendments and the remarks that follow, the Examiner is respectfully requested to reconsider and withdraw the outstanding rejections.

***Abstract:***

In accordance with the Official Action, an Abstract is provided herewith on a separate sheet.

***Claim Rejections - 35 U.S.C. § 112:***

In response to the rejection set forth on page 2 of the Official Action, claims 2 and 3 have been amended to indicate that at least one of the frame members is bent sheet metal. Claim 4 has been amended to identify that the three portions are the juxtaposed portions identified in claim 1. And, with regard to claim 25, the Examiner's attention is directed to page 7, lines 17-19, wherein the flat pack is discussed in the specification.

***Essig:***

Claims 1-3, 5, 6, 12-19, and 22-25 have been rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by U.S. Patent No. 5,713,651, hereinafter "Essig". In response to that rejection, claim 1 has been amended to include the subject matter from claim 17. It has been further amended to clarify that the common fastener engages the juxtaposed portions of the three frame members. Accordingly, the frame structure of claim 1 includes

three frame members, i.e., two horizontal frame members and one vertical frame member, which include portions that are juxtaposed to one another and are secured together by a common fastener which engages the juxtaposed portions of the three frame members. In contrast to amended claim 1, Essig does not teach or suggest a common fastener which connects all three frame members. In addition, it does not teach or suggest three frame members which are juxtaposed adjacent to each other. In Essig, each fastener connects only two frame members at any time.

Accordingly, Essig does not teach or suggest the subject matter of claim 1, in particular, the subject matter that includes a common fastener engaging the juxtaposed portions of three frame members.

In addition, Essig does not teach or suggest a first one of the frame members having a hollow section, and a second one of the frame members passing through an opening in a wall of the first frame member.

Accordingly, the subject matter of claim 1 is clearly patentable over Essig.

The remaining claims 2, 3, 5, 12-19, and 22-25 depend from claim 1, and are thus also patentable over Essig.

***Siemon:***

Claims 1-6 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,542,549, hereinafter Siemon.

Siemon does not teach or suggest the structure of claim 1, and in particular, the combination that includes a first one of the frame members being of a hollow section, and a

second one of the frame members passing through an opening in a wall of the first frame member. The frame members of Siemon are angle brackets, or three sided brackets, none of which includes an opening through which another one of the frame members extends. Accordingly, Siemon does not teach or suggest the subject matter of claim 1. Claims 2-5 depend from claim 1, and are thus also patentable over Siemon at least for the reasons set forth above with respect to claim 1.

*New Claims:*

To further define the protection to which Applicants are entitled, new independent claims 27, 28, and 29 have been added. Each of these claims includes the common fastener which engages the juxtaposed portions of three frame members. This is not taught or suggested by Essig. In addition, each of these new claims includes the language that one of the frame members is hollow and a second one of the frame members passes through an opening in a wall of the hollow frame member.

Accordingly, claims 27-29 are also patentable over the applied prior art.

The Examiner further relies upon GB Patent No. 1,410,762, hereinafter Bloohn, in order to allegedly show a frame member with openings, wherein another frame member passes through the openings. However, Bloohn relates to furniture, not a frame structure for a rack for electrical equipment, and is therefore not analogous to the present invention. Furthermore, Bloohn does not teach or suggest the concept which allows the three frame members to be secured together by passing one through an opening in a wall of another so as to create three juxtaposed portions which are secured by a common fastener.

Accordingly, Bloohn does not otherwise overcome the deficiency of the cited prior art discussed above.

In view of the foregoing amendments and remarks, the Examiner is respectfully urged to reconsider and withdraw the outstanding rejections and to find the new claims to be in condition for allowance.

In the event that there are any questions concerning this amendment, or the application in general, the Examiner is respectfully urged to telephone the undersigned attorney so that prosecution of the application may be expedited.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: August 19, 2003

By:



William C. Rowland

Registration No. 30,888

P.O. Box 1404  
Alexandria, Virginia 22313-1404  
(703) 836-6620